

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 14, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, December 14, 2010.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Clara Shepherd, Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, Acting City Manager Tony Kleibecker, City Attorney John Schrier, and Deputy City Clerk Linda Potter.

2010-103 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the City Commission Meeting that was held on Tuesday, November 23, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request – PKT Twelve, Inc., 413-415 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Paul A. Broussard, Member in 4-1-1 Bistro Lounge, LLC and PKT Twelve, Inc. to add the 4-1-1 Bistro Lounge, LLC as Co-Licensee in a 2010 Class C-SDM Licensed Business with Dance-Entertainment Permit, Direct Connections-2, and total of 3 Bars, located at 413-415 W. Western, Muskegon, MI.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

C. Pyrotechnics Display Permit. CITY CLERK

REMOVED PER APPLICANT REQUEST

D. Service Agreement with Professional Med Team Inc. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a service agreement (calendar year 2011) with Professional Med Team (Pro Med) to provide a paramedic for the purpose of performing a blood draw, when needed, of suspected intoxicated drivers. The paramedic will be dispatched directly to the jail to perform the draw. This service will be utilized by all law enforcement agencies within Muskegon County. Pro Med is located within the City.

FINANCIAL IMPACT: The cost to the department will be \$75 per blood draw.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

E. Purchase of Exhaust Venting System. PUBLIC SAFETY

SUMMARY OF REQUEST: The Fire Department has received grant money from the Federal Assistance to Firefighters Act to purchase exhaust venting systems for the Fire Station #5 on Marquette Avenue and for Fire Station #4 on Lakeshore Drive. The venting systems are in place to remove potentially harmful exhaust fumes from the garage areas when the trucks are started.

The following two companies submitted bids for these systems:

Rossman Enterprises LLC of Indianapolis, IN \$28,725.00

Hastings Air-Energy Control, Inc. of Farmington, MI \$29,814.82

Based upon a staff review of the proposals that were submitted, we are recommending the system from Hastings Air-Energy Control of Farmington, MI.

FINANCIAL IMPACT: The grant requires a 10% match which will be provided by general fund monies.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

G. 2011 User Fee Update. FINANCE

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution for your consideration.

The new fees and fee changes that are being proposed include the following:

- Elimination of recreation program fees since City is contracting out these

programs;

- Adjustments to Farmers' Market and Flea Market stall rentals to help offset higher program costs;
- Restructuring of fees related to special events (note: these fees are shown under DPW and under Special Events);
- Simplify McGraft Park Building rental fees;
- Elimination of various obsolete fees.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the Master Fee Resolution will help the City attain its budgeted revenue estimates.

STAFF RECOMMENDATION: Approval.

H. Deficit Elimination Plan for Home Rehabilitation Fund, Brownfield Redevelopment Authority Fund and Engineering Fund. FINANCE

SUMMARY OF REQUEST: At June 30, 2010, the City of Muskegon Home Rehabilitation Fund had a deficit balance of \$241,404; the Brownfield Redevelopment Authority Fund had a deficit balance of \$9,217; and the Engineering Fund had a deficit balance of \$102,318. Act 275 of the Public Acts of 1980 requires that the City file a Deficit Elimination Plan with the Michigan Department of Treasury. Staff is requesting adoption of the Home Rehabilitation Fund, Brownfield Redevelopment Authority Fund and Engineering Funds Deficit Elimination Plan Resolutions.

FINANCIAL IMPACT: As presented by the Deficit Elimination Plan the Home Rehabilitation Fund, Brownfield Redevelopment Authority and Engineering funds will no longer have a deficit by June 30, 2011.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the Deficit Elimination Plan Resolutions.

Motion by Vice Mayor Gawron, second by Commissioner Carter to accept the Consent Agenda as presented minus item F.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

2010-104 ITEM REMOVED FROM THE CONSENT AGENDA:

F. Medical Marijuana Facilities Moratorium Extension. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: For the City Commission to extend the moratorium on

medical marijuana facilities for an additional three months. Staff is currently drafting the ordinance and is preparing to present its recommendation to the Planning Commission in February 2011.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the three-month extension of the moratorium.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the medical marijuana facilities moratorium extension.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: Shepherd

MOTION PASSES

2010-105 PUBLIC HEARING:

A. Request for an Industrial Facilities Exemption Certificate – Re-Source Industries. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Re-Source Industries, 1485 S. Getty, has requested the issuance of an Industrial Facilities Exemption Certificate. The total capital investment is approximately \$281,466 in personal property, which qualifies them for a six-year exemption on personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of six years for personal property.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing and approve the resolution granting an Industrial Facilities Exemption Certificate for a term of six years for personal property for Re-Source Industries.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

2010-106 UNFINISHED BUSINESS:

A. SECOND READING: Amendment to the Zoning Ordinance – Regulations on Fencing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions) to provide regulations on fencing as part of erosion control measurements.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 10th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the zoning ordinance amendment to provide regulations on fencing as part of erosion control measurements.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

B. SECOND READING: Rezoning Request for the Property Located at 1823 Commerce Street (Tabled from November 23, 2010). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 1823 Commerce from B-4, General Business District to B-5, Governmental Service District, by West Michigan Therapy. The applicant would like to run a Transitional Living Center at this location.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 14th meeting.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the rezoning request for the property located at 1823 Commerce Street.

ROLL VOTE: Ayes: Carter, Shepherd, Warmington, and Wierengo

Nays: Gawron, Spataro, and Wisneski

MOTION PASSES

PUBLIC PARTICIPATION: Comments were made reference the City's junk vehicle ordinance. This will be discussed at the next Worksession.

ADJOURNMENT: The City Commission Meeting adjourned at 6:32 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk